

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 841 - SB 2043

March 1, 2011

SUMMARY OF BILL: Reduces the penalty, from a Class B to a Class C misdemeanor, for possession of one-half ounce (14.175 grams) or less of marijuana, for first-time offenders who are at least 18 but less than 22 years of age. A first-time offender will be punished only by probation, unless the offender violates probation, and will be prohibited from entering any establishment that sells beer, liquor, wine, or any other alcoholic beverages for consumption on the premises. The Board of Probation and Parole (BOPP) shall refer offenders to job training or substance abuse programs when appropriate and as resources allow.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$2,274,600

Assumptions:

- Conclusive data do not exist concerning individuals, ages 18-21, who have been charged with their first offense of possession of one-half ounce of marijuana or less.
- According to U.S. Census data, approximately 4.3 percent, or 264,800, Tennesseans are between age 18 and 21.
- According to a 2009 national survey conducted by the U.S. Department of Health and Human Services, approximately 20.2 percent of individuals from ages of 18 through 21 (including both college and non-college students) confirmed use of marijuana. Based on this survey, approximately 53,490 (264,800 x 20.2%) Tennesseans in the 18-21 age range have used marijuana.
- Approximately five percent (2,675) of these individuals will be charged for a first-time possession of one-half ounce or less of marijuana.
- Currently, first-time offenders are seldom referred to drug treatment or job training programs.
- It is estimated that job training or drug treatment programs will be deemed appropriate by BOPP in 50 percent (1,337) of these cases and that these offenders will enter a program.
- The cost of drug and alcohol treatment provided through the Department of Mental Health is approximately \$2,400 for assessment, counseling, and treatment. It is assumed that 50 percent of the referrals (669) will be referred to a drug treatment program resulting in an increase in state expenditures of \$1,605,600 (\$2,400 x 669).

- It is assumed that the cost of job training programs will be approximately \$1,000 per individual referred. The remaining 50 percent (669) will be referred to a job training program resulting in an increase in state expenditures of \$669,000 (\$1,000 x 669).
- Under current law, a first-time offender is rarely sentenced to jail. Therefore, there will be no significant decrease in local expenditures for these individuals not being incarcerated in the local jail.
- Directing an agency to use existing resources to perform a new function does not eliminate the fiscal impact of performing the new function since a new function with an attached cost will reduce the agency's reversion or will require creation of additional positions to perform duties of staff who have been redirected to the new function.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/jdb